

E-Filed on 8/8/07

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

STUTMAN, TREISTER & GLATT, P.C.
FRANK A. MEROLA
(CA State Bar No. 136934)
EVE H. KARASIK
(CA State Bar No. 155356)
CHRISTINE M. PAJAK
(CA State Bar No. 217173), Members of
1901 Avenue of the Stars, 12th Floor
Los Angeles, California 90067
Telephone: (310) 228-5600
Facsimile: (310) 228-5788
Email: fmerola@stutman.com

ekarasik@stutman.com

cpajak@stutman.com

Counsel for the Official Committee Of
Equity Security Holders Of USA Capital First Trust Deed Fund, LLC

SHEA & CARLYON, LTD.
JAMES PATRICK SHEA
(Nevada State Bar No. 000405)
CANDACE C. CARLYON
(Nevada State Bar No. 002666)
SHLOMO S. SHERMAN
(Nevada State Bar No. 009688)
701 Bridger, Suite 850
Las Vegas, Nevada 89101
Telephone: (702) 471-7432
Facsimile: (702) 471-7435
Email: jshea@sheacarlyon.com
ccarlyon@sheacarlyon.com
ssherman@sheacarlyon.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☒ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**Notice of Hearing; Objection of USACM Trust
To M.W. Gorts & Company Claim Filed in
Wrong Debtor's Case; Objection of FTDF to
Proposed Allowance of Claim**

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

NOTICE OF OBJECTION TO CLAIM

THE USACM LIQUIDATING TRUST AND THE OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC ARE OBJECTING TO THE CLAIMS THAT YOU FILED. UNLESS THE RESPONSE DEADLINE IS ADVANCED BY THE COURT, THE DEADLINE TO RESPOND TO THE OBJECTION IS OCTOBER 8, 2007. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO BMC GROUP AT 888-909-0100, OR WWW.BMCGROUP.COM/USACMC, or to the undersigned counsel. Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and through its counsel, has filed an Objection to your claim filed in USA Commercial Mortgage Company, Case No. 06-10725 on the ground that the claim is a debt of USA Capital First Trust Deed Fund, LLC Case No. 06-10728 ("FTDF"). The Official Committee of Equity Security Holders of FTDF (the "FTDF Committee"), by and through its counsel, further objects to any proposed allowance of your claim against the FTDF estate. A copy of the Objection is provided to you with this notice.

The Objection requests that the Court enter an order disallowing all or part of your claim as to USACM and FTDF. If the Court grants the requested relief, it will not affect your existing equity interest in the FTDF estate to the extent you hold an equity interest in FTDF.

NOTICE IS FURTHER GIVEN that, unless the hearing date is advanced by the Court, the hearing on the Objection will be held before the Honorable Linda B. Riegler,

1 United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard
2 South, Courtroom 1, Las Vegas, Nevada, on **OCTOBER 15, 2007** at the hour of
3 **9:30 a.m.** **THE HEARING WILL BE HELD FOR THE PURPOSE OF STATUS**
4 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
5 **ARGUMENTS WILL BE HEARD ON THAT DATE. HOWEVER, IF THERE IS**
6 **NO RESPONSE TO THE OBJECTION, THE COURT MAY GRANT THE**
7 **RELIEF REQUESTED IN THE OBJECTION AND DISALLOW THE CLAIMS**
8 **FILED AGAINST USACM AND THE FTDF.**

9 **NOTICE IS FURTHER GIVEN** that, unless the response deadline is advanced by
10 the Court, any response to the Objection must be filed by October 8, 2007 pursuant to
11 Local Rule 3007(b), which states:

12 If an objection to a claim is opposed, a written response must be filed and
13 served on the objecting party at least 5 business days before the scheduled
14 hearing. A response is deemed sufficient if it states that written
15 documentation in support of the proof of claim has already been provided to
the objecting party and that the documentation will be provided at any
evidentiary hearing or trial on the matter.

16 If you object to the relief requested, you *must* file a **WRITTEN** response to
17 this pleading with the Court. You *must* also serve your written response on
the person who sent you this notice.

18 If you do not file a written response with the Court, or if you do not serve
19 your written response on the person who sent you this notice, then:

- 20 • The Court may *refuse to allow you to speak* at the scheduled hearing;
21 and
22 • The Court may *rule against you* without formally calling the matter at
the hearing.

1
2 Dated: August 8, 2007

3 By: /s/ Eve H. Karasik
4 FRANK A. MEROLA (CA State Bar
5 No. 136934),
6 EVE H. KARASIK (CA State Bar
7 No. 155356), and
8 CHRISTINE M. PAJAK (CA State Bar
9 No. 217173), Members of
10 STUTMAN, TREISTER & GLATT, P.C.
11 1901 Avenue of the Stars, 12th Floor
12 Los Angeles, CA 90067
13 Telephone: (310) 228-5600

By: /s/ Rob Charles (#006593)
SUSAN M. FREEMAN
ROB CHARLES
LEWIS AND ROCA LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-0961
Facsimile (702) 949-8321
Telephone (702) 949-8320
COUNSEL FOR USACM Liquidating
Trust

10 and

11 CANDACE C. CARLYON
12 Shea & Carlyon, Ltd.
13 701 Bridger, Suite 850
14 Las Vegas, NV 89101
15 Telephone: (702) 471-7432
16 COUNSEL FOR THE
17 OFFICIAL COMMITTEE OF EQUITY
18 SECURITY HOLDERS
19 OF USA CAPITAL FIRST TRUST DEED
20 FUND, LLC

21 Copy of the foregoing
22 Mailed this 8th day of
23 August, 2007 to:

24 M.W. Gorts & Company
25 c/o Michael Gorts
26 7820 Emerald Harbor Ct.
Las Vegas, NV 89128

By /s/ Renee L. Creswell